

By: Zerwas

H.B. No. 1874

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the establishment of the Palliative Care  
3 Interdisciplinary Advisory Council.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The legislature finds that:

6 (1) palliative care is person-centered,  
7 family-focused care that provides a patient with relief from the  
8 symptoms, pain, and stress of a serious illness;

9 (2) palliative care is provided by a team of  
10 physicians, nurses, and other health care specialists in order to  
11 provide an additional layer of support to a patient during the  
12 treatment of a serious illness;

13 (3) palliative care is appropriate for a patient of  
14 any age and at any stage of a serious illness; and

15 (4) growing evidence shows that palliative care can  
16 reduce medical costs in addition to helping a patient recover from a  
17 serious illness more quickly and easily.

18 SECTION 2. Subtitle E, Title 2, Health and Safety Code, is  
19 amended by adding Chapter 118 to read as follows:

20 CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

21 Sec. 118.001. DEFINITIONS. In this chapter:

22 (1) "Advisory council" means the Palliative Care  
23 Interdisciplinary Advisory Council established under this chapter.

24 (2) "Commission" means the Health and Human Services

1 Commission.

2 (3) "Executive commissioner" means the executive  
3 commissioner of the Health and Human Services Commission.

4 Sec. 118.002. ESTABLISHMENT; PURPOSE. The commission shall  
5 establish the Palliative Care Interdisciplinary Advisory Council  
6 to assess the availability of patient-centered and family-focused  
7 palliative care in this state.

8 Sec. 118.003. APPLICATION OF SUNSET ACT. The advisory  
9 council is subject to Chapter 325, Government Code (Texas Sunset  
10 Act). Unless continued in existence as provided by that chapter,  
11 the advisory council is abolished and this chapter expires  
12 September 1, 2019.

13 Sec. 118.004. MEMBERS. (a) The advisory council is  
14 composed of the members appointed by the executive commissioner as  
15 provided by this section.

16 (b) The advisory council must include:

17 (1) at least five physician members, including two who  
18 are board certified in hospice and palliative care;

19 (2) at least two advanced practice registered nurse  
20 members who are board certified in hospice and palliative care;

21 (3) seven health care professional members, including  
22 nurses, social workers, pharmacists, and spiritual care  
23 professionals, with:

24 (A) experience providing palliative care to  
25 pediatric, youth, or adult populations;

26 (B) expertise in palliative care delivery in an  
27 inpatient, outpatient, or community setting; or

1                   (C) expertise in interdisciplinary palliative  
2 care;

3                   (4) at least one member with experience as an advocate  
4 for patients and family caregivers; and

5                   (5) ex officio representatives of the commission or  
6 another state agency as the executive commissioner determines  
7 appropriate.

8                   (c) Advisory council members serve at the pleasure of the  
9 executive commissioner.

10                  Sec. 118.005. TERMS; VACANCY. (a) An advisory council  
11 member serves a four-year term.

12                  (b) If a vacancy occurs on the advisory council, a person  
13 shall be appointed to fill the vacancy for the unexpired term.

14                  Sec. 118.006. OFFICERS. Advisory council members shall:

15                   (1) elect a chair and a vice chair; and

16                   (2) establish the duties of the chair and the vice  
17 chair.

18                  Sec. 118.007. MEETINGS. The executive commissioner shall  
19 set a time and place for regular meetings, which must occur at least  
20 twice each year.

21                  Sec. 118.008. COMPENSATION AND REIMBURSEMENT. A member of  
22 the advisory council may not receive compensation for service on  
23 the advisory council but is entitled to reimbursement of the travel  
24 expenses incurred by the member while conducting the business of  
25 the advisory council, as provided by the General Appropriations  
26 Act.

27                  Sec. 118.009. DUTIES. The advisory council shall consult

1 with and advise the commission on matters related to the  
2 establishment, maintenance, operation, and outcome evaluation of  
3 the palliative care consumer and professional information and  
4 education program established under Section 118.011.

5 Sec. 118.010. REPORT. Not later than October 1 of each  
6 even-numbered year, the advisory council shall submit a biennial  
7 report to the standing committees of the senate and the house of  
8 representatives with primary jurisdiction over health matters on:

9 (1) the advisory council's assessment of the  
10 availability of palliative care in this state for patients in the  
11 early stages of serious disease; and

12 (2) the advisory council's analysis of barriers to  
13 greater access to palliative care.

14 Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) The  
15 commission, in consultation with the advisory council, shall  
16 establish a statewide palliative care consumer and professional  
17 information and education program to ensure that comprehensive and  
18 accurate information and education about palliative care is  
19 available to the public, health care providers, and health care  
20 facilities.

21 (b) The commission shall make available on its Internet  
22 website information and resources regarding palliative care,  
23 including:

24 (1) links to external resources regarding palliative  
25 care;

26 (2) continuing education opportunities for health  
27 care providers;

1           (3) information about palliative care delivery in the  
2 home, primary, secondary, and tertiary environments; and

3           (4) consumer educational materials regarding  
4 palliative care, including hospice care.

5           Sec. 118.012. PROTECTIONS. Notwithstanding any other law,  
6 this chapter does not create a cause of action or create a standard  
7 of care, obligation, or duty that provides a basis for a cause of  
8 action.

9           SECTION 3. Not later than December 1, 2015, the Health and  
10 Human Services Commission shall establish the Palliative Care  
11 Interdisciplinary Advisory Council and the executive commissioner  
12 of the Health and Human Services Commission shall appoint the  
13 advisory council members as required by Chapter 118, Health and  
14 Safety Code, as added by this Act.

15           SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2015.